

## REMARKS

There are now pending in this application claims 1-18, of which claims 1, 6, 10 and 15 are independent. Claims 10-18 are newly added. No claims have been canceled.

In view of the above amendments and newly presented claims, and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Initially, Applicants submit herewith a sworn translation of priority document number JP 2003-116768, filed on April 22, 2003. Applicants respectfully submit that the filing of the sworn translation removes Kamiya et al. (U.S. Patent No. 7,007,948) from application as prior art.

The invention is directed to a sheet processing apparatus that aligns and stacks a sheet or sheet bundle. There is recited the combination of stacking means, conveying means, and sheet rear end aligning means which aligns a rear end of the sheet or sheet bundle. The invention is characterized in that a controlling means controls operation of the sheet rear end aligning means and, with respect to independent claims 1 and 6, does this so that acceleration of the sheet or sheet bundle by pressing of the sheet rear end aligning means satisfies the equation set forth in claims 1 and 6.

New independent claims 10 and 15 recite similar components to claims 1 and 6, but do not specify the specific formula set forth in claims 1 and 6. In each case, there is recited the controller which controls operation of the sheet rear end aligning wall and the invention is further characterized in that acceleration of the sheet or sheet bundle by pressing of the sheet rear end aligning wall is determined based on the kind of sheet.

Applicant respectfully submits that none of the applied references teach or suggest the invention as set forth in the independent claims.

The pending claims in the above application stand rejected under 35 U.S.C. § 102(e) or 102(b) as being anticipated by each of Kamiya et al., McVeigh et al. (U.S. Patent No. 6,561,709), Kato et al. (U.S. Patent No. 6,302,389) and Asao et al. (U.S. Patent No. 6,142,461). The rejections are respectfully traversed.

Initially, as explained above, Applicant respectfully submits that by virtue of the filing of the sworn translation of the priority document, Kamiya et al. has been removed as a reference.

McVeigh et al. is directed to a sheet stacking system that is said to prevent or substantially reduce the opportunity for a staple or other projection from the ejecting set to snag on a previously output stack of sheets. McVeigh et al. discloses a sheet set stacking system in which a stack of sheets on a compiling area 20 are pushed onto a stacking system 40 by a set ejector finger 32. The sheet set stacking system has a dynamic ramp system and members thereof bent by the set ejector finger move horizontally to lift up a stapled end of the stacked sheets and pile it onto an upper surface of the stack. By virtue of this system, the device is said to prevent a staple of a new sheet bundle from hooking the stack when discharging it. However, Applicant respectfully submits that McVeigh et al. neither teaches nor suggests Applicant's control means which controls operation of the sheet rear end aligning means either so as to control the acceleration of the sheet or sheet bundle to meet the formulas set forth in claims 1 and 6, or to control acceleration of the sheet or the sheet bundle by pressing of the sheet rear end aligning wall in accordance with the kind of sheet in use. As such, Applicant respectfully submits that McVeigh et al. neither teaches nor suggests the invention as recited in each of the independent claims of the above application.

Kato et al. relates to a sheet treating apparatus and discloses one which discharges a sheet bundle on a treatment tray 30 to a stacked tray 80 with a bundle discharging belt 60 and a hook

portion 60a. As the Examiner notes, Figure 25 does feature a block diagram for controlling the sheet treating apparatus. However, there is no disclosure or suggestion of Applicant's controlling means which controls the operation of a sheet rear end align means so that acceleration of the sheet or sheet bundle satisfies the relation set forth in claims 1 and 6. Nor is there disclosure or suggestion that the controller controls operation of the sheet rear end aligning wall wherein acceleration of the sheet or sheet bundle by pressing of the sheet rear end aligning wall is determined with the kind of the sheet, as called for in claims 10 and 15.

Asao et al. is directed to a sheet processing device with a rotation support member 31 that is rotated in a predetermined timing upon detecting the passage of a sheet, so that both ends thereof transfer the sheet to the stacking part as if carrying the sheet. However, as with McVeigh et al. and Kato et al., this reference also fails to teach or suggest controlling means which controls operation of the sheet rear end aligning means so that acceleration of the sheet satisfies the relations set forth in independent claims 1 and 6. Asao et al. also fails to teach or suggest a control means which controls operation of the sheet rear end aligning wall wherein acceleration of the sheet or sheet bundle by pressing of the sheet rear end aligning wall is determined based on a kind of sheet.

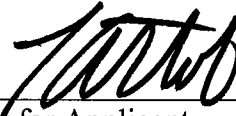
For the foregoing reasons, Applicant respectfully submits that each of the independent claims in the above application is distinguishable over the applied art.

The remaining claims in the above application are depending claims which depend either directly or indirectly from one of the above-discussed independent claims and are, therefore, patentable over the art of record for the reasons noted above with respect to the independent claims. In addition, each recites features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicant respectfully submits that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Stahl', is written over a horizontal line.

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